

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Criminal Action 2:10-cr-298</b>
	:	
<b>v.</b>	:	<b>Judge George C. Smith</b>
	:	
<b>HUGH BRIAN HANEY,</b>	:	<b>Magistrate Judge Elizabeth P. Deavers</b>
	:	
<b>Defendant.</b>	:	

**REPORT AND RECOMMENDATION**

On September 24, 2012, Defendant, Hugh Brian Haney, together with his counsel, appeared before the Undersigned pursuant to the Court's referral of the final hearing on the Government's Motion to Revoke Supervised Release for a *Report and Recommendation*. At the hearing, the United States Probation Officer indicated that, in her opinion, Defendant has received the maximum benefit possible from federal supervision and recommended to the Undersigned that Defendant's term of supervised release be terminated. The Undersigned specifically inquired and the Probation Officer confirmed that she is satisfied Defendant does not represent a danger to himself or the community. She affirmed that Defendant has been compliant with location monitoring and has not tested positive for the use of any illicit substances.<sup>1</sup> Based on such representations and recommendations, and having personally observed the appearance and the responsiveness of Defendant in open court, the Undersigned hereby **RECOMMENDS** that Defendant's supervised release be **TERMINATED** as he has reached the maximum benefit possible from supervision.

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<sup>1</sup>The Undersigned notes, however, that Defendant stopped attending mental health treatment in August.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . . .”) (citation omitted)).

**IT IS SO ORDERED.**

**DATE: September 24, 2012**

/s/ Elizabeth A. Preston Deavers  
**ELIZABETH PRESTON DEAVERS**  
**UNITED STATES MAGISTRATE JUDGE**